

# Ex-day-care operator faces murder, cruelty charges

By Frank Wootten  
Tribune Staff Writer

MARTINEZ — The former operator of a Clayton day-care center was arrested Monday on 21 criminal charges including the murder of an 11-month-old boy left in her care.

The other charges faced by Eleanor "Lori" Nathan involve willful cruelty to 20 other children left in her care.

She is held in the county jail here on a warrant that makes no provision for release on bail.

The day-care center was shut down by the state in September because it did not have a license.

It first came to the attention of authorities when Matthew Cromwell, the son of a Concord policeman living in Pittsburg, died March 18 from what was determined to be a blow to his stomach.

His parents noticed something was wrong with the child when they picked him up at the day care center.

Then reports of unexplained injuries to children came from other parents, and eventually the list grew to more than 20.

There was a common factor in all cases — all of the injured children had been left at Nathan's day-care center.

There were reports that at least one child was hospitalized and that two others received psychiatric counseling. When asked about this Monday, Sheriff's Sgt. James Robinson refused comment, explaining that if the case is tried in the press it might be necessary to move the trial to another county.

The district attorney's office issued a statement explaining that the victims ranged in age from 11 months to seven years and that they suffered various traumatic injuries including choking and blows to their bodies. Earlier in the investigation, officers said the injuries included bruises to abdomens and eyes, smashed lips and marks on

necks.

Questioned by a reporter in September, Nathan refused to discuss the case other than to say, "Of course, I deny all allegations."

Pittsburg police opened the investigation into the Cromwell child's death but were unable to determine where or when the injury occurred.

As more injuries were noticed by other parents, the sheriff's office and the Concord police joined the investigation.

Nathan was arrested by sheriff's officers and Hayward police Monday afternoon at a food processing plant in Hayward where she worked.

# Injuries among children at pre-school probed

By Steve Lopez  
Tribune Staff Writer

SEP 30 1981

CLAYTON — Contra Costa County Sheriff's deputies are investigating a series of unexplained injuries and one death among pre-school children, some of them not yet a year old, who attended a day care center here.

The center, run by Lori Nathan, was unlicensed and last week forced by the state to close.

Investigators say they already have studied 10 to 15 cases of injuries to children who attended the center. Sheriff's Lt. James Robinson said the injuries include bruises to abdomens and eyes, smashed lips and marks on childrens' necks.

Robinson stressed that no criminal charges have been filed against Nathan, 35, who has operated the business out of her home for the past two years, caring for dozens of children.

But he said police have received more than

25 reports from parents about possible injuries to children.

"Of course, I deny all allegations," Nathan said in a telephone interview Tuesday. She refused to discuss the case further on the advice of her attorney.

Nathan's business first came to the attention of authorities in March, after 11-month-old Matthew Cromwell, the son of a Concord policeman, died from what the Alameda County coroner said was a blow to his abdomen.

It is uncertain how the boy received the injury, but his parents said they first noticed problems shortly after picking him up from Nathan's child care center.

The Cromwells live in Pittsburg and brought the death to the attention of authorities there.

"We've been looking into the case, but we ran into dead ends," said Vince DiMaggio, Pittsburg

police spokesman. "Our problem was that we couldn't determine exactly when the injuries occurred and where they occurred."

He said the case will be discussed with sheriff's investigators now that they are working on similar incidents.

He said sheriff's investigators first became involved early this month after an injured child was brought to Kaiser Hospital in Walnut Creek.

"A deputy was called to Kaiser and it looked like the baby's injuries could not be accidental," he said. "We referred the case to Protective Services, which saw some similarities to prior cases. The children had all been at the same child care center."

At roughly the same time, Robinson said, several parents became suspicious of injuries to

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# Day care operator held in abuse of children

By Steve Lopez  
Tribune Staff Writer

DEC 2 1991

MARTINEZ — A harrowing story of the alleged mental and physical tormenting of about 40 Contra Costa children is contained in a grim, six-inch-thick packet of court documents here.

The Mt. Diablo Municipal Court records outline evidence against Eleanor "Lori" Nathan, 35, who used her stylish middle-class Clayton home as a day care facility for four years.


Nathan, who was arrested Monday following a two-month investigation by three police agencies, did not enter a plea at her arraignment Tuesday before Judge Ellen Sickles James.

The judge ordered the small-framed, dark-haired woman held in lieu of \$250,000 bail on 21 criminal charges including the murder of an 11-month-old boy left in her care.

The documents — including police reports and medical records — indicate that Nathan's unlicensed day care home was a virtual chamber of horrors for children. Discipline allegedly was regimental, swift, sometimes brutal, and often enforced by intimidation.

The documents — and accounts of parents — indicate the children were punched, kicked, choked, poked in the eyes, slapped, sat on, shut in unlit rooms for long periods,

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forced to stay outdoors in cold and rainy weather, denied food and water, not allowed to speak, not allowed to use the bathroom, and were severely punished for breaking the rules or telling their parents of the treatment.

One summary report by Sgt. Al Snell of the Contra Costa sheriff's office lists the names of 39 children between 11 months and 7 years old who were either abused or witnessed abuse between 1979 and September 1981.

Six children were hospitalized as a result of their injuries and 11-month-old Matthew Cromewell of Pittsburg, the son of a Concord policeman, died March 18 from a blow to his abdomen. The death occurred after his parents picked him up at Nathan's, noticed problems and rushed him to a hospital.

The most common injuries among children were split and swollen lips and bruises and red marks that doctors said were consistent with choking.

The most serious injuries included "massive trauma to the stomach and inter-cerebral hemorrhage," according to Snell's report.

Some children have shown signs of speech impediments, slow development and under-

nourishment. Many suffer from nightmares which are vivid memories of their ordeals.

A major concern of parents is the possibility of long-term psychological effects on the children. Betty Schaaf, whose 2-year-old son was hospitalized Aug. 31 in a case that prompted the full-scale investigation, said most of the children and their families are now seeing psychiatrists or psychologists.

"Some of the younger children who were there for a short time might not have serious problems," Schaaf said. "But those who were there for several months or years, I don't know. Nobody does."

Jan Scheib's 4 1/2-year-old son was at Nathan's house 11 hours a day for about two years. Scheib, of Concord, said her family is carefully and sensitively handling the chore of helping the child be open about his ordeal, rather than hiding it and allowing emotional problems to fester.

"These kids went through a very traumatic experience and we're particularly concerned about our child because of the length of time he was there," said Scheib, whose family has had one visit with a psychiatrist.

"But he's coming along nicely. He wouldn't discuss it for two or three weeks and then out of the

blue he opened up."

Asked if she had an opinion as to why the older children did not communicate the problems to their parents, Schaaf said:

"They were literally too terrified. They might cry as you drove them to the house, but they'd tell themselves, 'I'm a big boy,' and go in again.

"They'd always be greeted at the door by a sweet word, a smile, a hug and a kiss (from Nathan). But one girl told her mother, 'She (Nathan) seems nice, but when she closes the door she becomes a witch.'"

Even to investigators who have spent countless hours on the case and have interviewed Nathan, the woman and the case remain enigmatic.

In most respects, Nathan seems to represent as normal a slice of middle-class suburbia as there could possibly be.

She lives in comfort with her husband, Maynard, and a 9-year-old daughter. In a telephone interview in September, she exuded warmth and spoke in a tone totally free of concern about the allegations against her.

"Of course, I deny all allegations," she said at the time.

Deputy District Attorney Joe Campbell, who filed the charges against Nathan in court Monday, said she has offered explanations



for many of the injuries, concluding the children fell, ran into something, or otherwise hurt themselves in the course of normal play.

Campbell, District Attorney William O'Malley and sheriff's investigators said they believe their case is extremely solid.

Investigators said Nathan's clients saw only a loving, caring woman and initially had no concerns about the safety of their children. Some parents, in fact, defended Nathan against mounting speculation of wrongdoing earlier this year.

"You just wouldn't dream such a lovely person could be responsible for what was going on," Schaaf said.

The case of Schaaf's 2-year-old son — which is fairly typical of the 20 cases that resulted in charges of willful cruelty — was the beginning of the end of Nathan's day care operation.

Schaaf's 11-year-old son noticed bruises on his little brother after escorting him home from Nathan's and alerted his mother, who took the child to Kaiser Permanente Hospital in Walnut Creek.

A doctor observed red spots on the child's face, eyelids and ears. He said they could only be caused by the constricting of blood vessels in his neck, which would cause the rupture of capillaries in his head.

Suspicious about evidence of choking, he called the sheriff's office, which investigated the matter and turned information over to the Protective Services division of the county Social Service Department. An employee there noticed similarities in the Schaaf case and others, and alerted the sheriff's office once again.

At roughly the same time, parents started making unsolicited calls to investigators.

Pittsburg police, who earlier had suspected Nathan of possible involvement in the Cromwell boy's death, reopened their investigation and corroborated information with evidence from other agencies, getting enough new material to piece together a formal charge of murder.

According to Snell's synopsis, Nathan has been in the child care business nine years, operating initially in South San Francisco. She had a day care license but lost it in 1975 when a series of injuries in her residence were investigated by San Mateo County officials.

She moved to Concord in 1976 and Clayton about 1977.

District Attorney O'Malley has said that San Mateo County officials

that they might want to re-examine the 1973 death of a San Bruno infant who reportedly was in Nathan's care while she worked in South San Francisco.

Gregory Alan Teasdale died at a Burlingame hospital after being admitted for a stomach injury.

William Larsen, chief assistant district attorney in San Mateo County, said he is unfamiliar with the case and is unsure whether developments in Contra Costa County could have any bearing on San Mateo County proceedings.

Nathan, who is represented by David Nakimawa of San Francisco, is scheduled to appear in court Dec. 9 for a bail study and Dec. 14 for further proceedings.



**Eleanor Nathan**

Accused of abusing 40 children



# Report lists details of alleged child abuses

By Steve Lopez  
Tribune Staff Writer

DEC 2 1981

MARTINEZ — In a graphic, bluntly worded 1 1/2-page report, the nuts and bolts of a two-month investigation into alleged child abuse by Eleanor "Lori" Nathan of Clayton is neatly laid out.

Written by Sgt. Al Snell of the Contra Costa County sheriff's office, the synopsis reflects information gathered by Snell in dozens of interviews with the young victims, their parents and doctors.

The report reads in part:

"There seemed to be a pattern of how Laurie (Snell's spelling) exercised control over the children. Laurie Nathan choked the children and poked them in the eyes with her finger. She shook the babies and sometimes hung them upside down. Laurie also punched, hit, and kicked the children in their stomach area using hands and feet. She also hit and punched them in the facial area. She also kicked them in the back.

"Nathan exercised control over the children by segregating them as to age. The babies had to sit in one spot quietly in a dark room all day long while the older children had to play outside on the patio area, regardless of weather conditions, most of the day.

"The babies were not fed and were not allowed to have anything to drink. They had to sit in one spot on the floor with their legs straight out. They could not talk, they could only whisper. A few of the older children got

something to eat, usually a small lunch. Some of the other 4- and 5-year-olds did not get anything to eat or drink all day.

"Nathan would tell the children that they could not tell their parents about anything that Laurie did while caring for the children. They were only to talk about ... the children they played with. Laurie would punish children ... if the children's mother mentioned to Laurie something her child told her they had seen ... at Laurie's house. Laurie would punch the children and threatened to punch them more severely if they told their mothers anything ...

"With the exception of a couple of the older children, the rest of the children had to go to the bathroom only at a designated time. They had to line up and they could not flush the toilet until the last person had used the bathroom. The girls had to sit on the porcelain toilet and were not allowed to use toilet paper. None of the children could have bowel movements.

"As a result of the above conditions some of the children suffered massive trauma to the head and stomach, while others suffered only minor injuries. Some of the children showed signs of dehydration and other children's growth slowed down while in Laurie's care due to lack of nourishment.

"Most of the children that had been in Laurie's care for a long-time developed signs of becoming seriously withdrawn and others had speech impediments and learning problems.



# State was told of child abuse

By Steve Lopez  
Tribune Staff Writer

DEC 3 1981

MARTINEZ — A Concord woman said Wednesday that she tried to have the state close Eleanor Nathan's unlicensed child-care facility in 1977, but the efforts were fruitless.

Fran Brown, who supplied details of her efforts to Contra Costa County investigators, said she believes dozens of injuries and a death could have been prevented if the state had conducted a thorough investigation of Nathan's operation.

The story of Brown's efforts is filed with other documents in the

thick Mt. Diablo Municipal Court packet on Nathan's case.

Brown, a teacher with 21 years' experience who now works in the Mt. Diablo Unified School District, has a 7-year-old child who was in Nathan's care in 1976 and 1977. Court records indicate she stopped taking the child to Nathan because she became suspicious about her child's complaints of neglect, and of apparent discrepancies in Nathan's comments about her operation.

Deputy District Attorney Joe

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Campbell said his office hopes to look into Brown's allegations.

"I am horrified by this," Brown said Wednesday. "I can't tell you the number of tears I have shed grieving about this and praying for the children."

Nathan is in custody here, charged with the murder of 11-month-old Matthew Cromwell of Pittsburg, and 18 felony and two misdemeanor counts of willfully inflicting cruelty on children.

Nathan has denied the allegations.

She was arrested Monday after a two-month investigation by three police agencies. The injuries were suffered by children between 11 months and 7 years old who were in her care between 1979 and September of this year, when the state community care licensing agency ordered her to close the business.

Court documents paint a grim picture of the abuse, intimidation and tormenting of the children. They allegedly were denied food and drink on a routine basis, were placed in unlit rooms for long periods, denied bathroom privileges, choked and otherwise physically battered.

Six were hospitalized and many are now receiving psychiatric treatment in hope of averting long-term psychological damage.

State officials contacted Wednesday said they have no direct knowledge of Brown's efforts to have the state conduct an investigation of Nathan. Part of the problem, however, may be that in 1977 such matters were the jurisdiction of the state Health Department, and now they are the concern of the state Social Service Department.

But Sharon Patrician, a state Social Service spokeswoman, said it is not uncommon for child-care facilities to operate without licenses.

"Sure, they can operate without us even knowing about it," she said. "We only have so many

evaluators to check these things. There just aren't enough to go around. Unfortunately, we don't usually know about a place until something like this (Nathan's case) happens."

But Brown said she called the Berkeley office of the state Health Department once a week for six months.

"I told them I had terrible concern, and I used the word negligence," Brown said. "They told me there were other complaints from people in the neighborhood."

At the time, Nathan lived on Rockne Drive in Concord and operated out of her home there.

"They told me they had looked into it, and that Nathan and her husband even went to Berkeley to meet with them and apply for a license," Brown said.

"But they told me they couldn't require them by law to get a license because they had less than six children in their care. I told them over and over that it was more like 12 to 15 kids, but they didn't believe me."

Asked why she didn't contact police, Brown said she didn't have any idea about the possibility of abuse at the time, and was concerned only about the possibility of neglect.

"Maybe I did the wrong thing, but I thought I was doing the right thing at the time. I thought the state of California would swoop in and close the place," Brown said.

It wasn't until this summer that doctors, parents, investigators and social workers pieced together evidence of alleged abuse and found a common thread — Nathan.

"I can imagine people are reading these stories and wondering how parents could be so dumb to not notice that their children are being abused, but we're not a bunch of fools," Brown asserted.

"For one thing, it's not so easy to get information from a 1-year-old. It sounds incredible, but (Nathan) was so warm, so



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loving, so caring outwardly that she fooled everybody. She simply fooled parents, professionals, police, everybody."

Contra Costa officials said Wednesday it is unclear who will investigate Nathan's possible connection to the 1973 death of a

20-month-old San Bruno child. The boy, Gregory Alan Teasdale, was under the care of Nathan, who operated an in-home child-care service in South San Francisco at the time.

Contra Costa District Attorney William O'Malley said San Mateo County officials are uncer-

tain which agency should have jurisdiction in the matter, and also have expressed uncertainty about reopening the 8-year-old case since the cause of death was listed as a congenital abdominal disorder.

But court records indicate that Margaret Teasdale said her son

was fine on Nov. 29 when he went to Nathan's, but complained of stomach pains when he was picked up.

When his condition worsened the next day, his parents took him to Peninsula Hospital in Burlingame. He died 30 minutes after being admitted.

# 'She would kick me in the face'

DEC 3 1981  
MARTINEZ — Jimmy was one of the regulars at Eleanor "Lori" Nathan's child care home in Clayton.

For several hours a day, over a period of three or four years, Nathan was in charge of his welfare.

Jimmy, now 6, is not believed to have suffered severe injuries while in the care of Nathan. But he said he witnessed countless cases of abuse — so much that it seemed to him a routine part of child care.

Jimmy, who lives in Concord, was interviewed recently by Sgt. Al Snell of the Sheriff's Office. Snell was in charge of the investigation that re-

sulted in 20 criminal charges, including murder, against Nathan.

Printed below are some excerpts from the interview. All questions were asked by Snell and all answers provided by Jimmy:

Q. What would happen if you wanted to sleep (at Nathan's)?

A. She would kick me in the face.

Q. So if you sat down to rest and then you started ... to sleep, she kicked you in the face?

A. Uh huh.

Q. Did you ever get to eat any-

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She'd make us stay out- room when yo



# Corrections & Clarifications

ing)?  
A. Uh uh.

Q. Nothing at all? Did you ever get a snack?

A. Uh uh.  
Q. Did any of the other kids get in trouble sometime if they did anything wrong?

A. Uh huh, and she chokes us.  
Q. How would she do that?

A. (He squeezes his neck).  
Q. How many people did you see her choke?

A. A lot, everybody except not the big kids.

Q. She lays you down and pushes on your stomach real

A. Uh huh.  
Q. What does she push on your stomach with?

A. With her hands like that (he makes a fist).  
Q. What did she do to (a particular child)?

A. She hangs him upside down by his feet and shakes him.  
Q. ... Did you ever ask Laurie for food?

A. Uh huh, and she didn't let us talk.  
Q. What happened if you needed to go to the bathroom?

A. ... She'd make us stay outside ... and then ... when I was little ... we went to the bath-

room in our pants.  
Q. Why didn't you tell mommy before?

A. I don't know.  
Q. Were you afraid something would happen?

A. It would.  
Q. Where would the babies sleep?

A. Laurie doesn't let them sleep.  
Q. What happens if they go to sleep?

A. Laurie kicks them in the face.  
Q. So you had to sit in the bedroom when you were a little boy for a real long time with your legs out in front of you on the

floor?  
A. Uh huh ... and if we were little boys, we couldn't fold our legs.

Q. Did you sit on anything on the floor?  
A. Uh huh. And then when we wet our pants we had to sit on our knees.

Q. When you're sitting on the floor, you can't move?  
A. Uh uh. Only when we are outside we can move.

Q. Did you say she makes you lie down (if she catches you) standing up?

A. She tells us to lay down and then she steps on our stomach.

—Steve Lopez

# State lapses found in day-care abuse case

DEC 4 1981  
By Steve Lopez  
Tribune Staff Writer

MARTINEZ — State officials ordered day-care operator Eleanor Nathan to get a license several times between 1977 and 1979, but she continued operating until September of this year, apparently without further interference from the state.

Nathan now is charged with murdering an 11-month-old child and abusing 20 others who were in her care the last two years in

her Clayton home. Investigative reports allege that she tormented children physically and mentally.

Documents obtained Thursday evening by the Oakland Tribune/Eastbay TODAY show that the state knew Nathan was operating illegally as late as February of 1979.

The records, obtained from the state Social Service Department branch office in Emeryville, also show that the state received a

1978 complaint about a 3-year-old child in Nathan's care complaining of chest pain to his mother, and a 1979 complaint that 10 or 12 children were "running loose" in front of Nathan's home, causing traffic problems.

The same report has the following notation from a state employee:

"A neighbor complained about this over a year ago, but nothing came of it."

Thursday afternoon, Social

Service spokesman Shawn Ortiz said the state ordered Nathan to apply for a license in 1977, but then "lost contact with her."

The records show that Nathan was providing day care out of her Concord home on Rockne Drive during her initial contacts with state officials. She later moved to Clayton, where she had up to 20 children in her care on some days.

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The records also show that Nathan on more than one occasion delayed formally applying for a license by telling state officials she would soon be moving and would apply after resettling. OA Nov. 10, 1978 report shows that state officials made an unannounced visit to Nathan's Concord house that day.

"Nathan was advised that caring for children without a license is a misdemeanor," the report reads. "She promised to give up the child she was caring for ... However, the family is leaving. They are moving to Brentwood in two weeks."

A followup visit was made by

ing report was filed:

"She has complied with (her) promise (to give up day care) and desires to apply for a license after she has moved to Brentwood."

A Feb. 14, 1979 report classified as a "special incident report" says Nathan was caring for 10 or 12 children at that time.

A Feb. 21 report states that the Nathans planned to move to Brentwood or Clayton and had sent in a new application for a license.

The next report in the file is dated Sept. 23, 1981. On that day, the community care licensing division — after being told of the criminal investigation by Contra Costa police agencies — pre-

pared an order notifying Nathan she was providing day care in violation of the law and demanded that she discontinue her business. The order was delivered the next day.

Luis Butisa, regional director of the Emeryville branch of the state Social Service Department, said he knows of no further reports having been filed and does not know why the state did not pursue its efforts to see that Nathan become licensed.

Ortiz also was unable to answer that question. He said his office is having difficulty locating records, and he is not sure any additional reports exist.

He contended the alleged crimes would not necessarily have been averted if Nathan had

been licensed, although he acknowledged that periodic inspections of licensed facilities are made.

Ortiz said he believes parents must bear the brunt of the responsibility for their children's welfare.

Parents whose children were allegedly abused by Nathan said young children were unable to communicate problems and older children were afraid to for fear of further abuse. They also said Nathan won parents' confidence by displaying to them only a warm, lovely personality.

"If she and her purported Jekyll and Hyde personality were successful enough to convince parents she was providing quality care to their children, our evalu-

ators might have had the same problem," Ortiz said.

The alleged abuse came to the attention of authorities in late August and September this year when doctors and a county Protective Services worker noticed similarities in abuse cases. They contacted investigators, who began putting evidence together with the help of parents and children.

Nathan, who denies all allegations, is being held in County Jail in lieu of \$250,000. She faces one charge of murder, and 18 felony and two misdemeanor counts of willfully inflicting cruelty.

**Contributing to this story were Tribune reporters Paul Grabowicz and Virgil Meibert**



# 1973 day-care death checked

By Steve Lopez  
Tribune Staff Writer

DEC 5 1981

San Mateo County officials said Friday they will interview a doctor and a pathologist in connection with the 1973 death of a boy who had been in the care of Eleanor Nathan, a Clayton woman who has been charged with murder and 20 counts of child abuse in connection with her child care facility in Contra Costa County.

Nathan was charged Monday with murdering an 11-month-old Pittsburg boy and inflicting willful cruelty on 20 other children she provided daycare for between 1979 and September of this year in her Clayton home.

Court documents indicate children between 11 months and 7 years old were kicked, punched, choked, denied food and water, shut in dark rooms and sometimes ordered to stay outdoors in inclement weather. Six children were hospitalized and many are now under psychiatric treatment.

Nathan provided daycare in South San Francisco between 1973 and 1975, later moving to Concord and finally to Clayton.

South San Francisco Police Capt. Jim Swinfard said the doctor and pathologist will be questioned sometime next week to help determine whether to conduct a full-scale investigation into the Nov. 30, 1973 death of 20-month-old Gregory Alan Teasdale of San Bruno.

The child complained of stomach pains after his mother picked him up at Nathan's on Nov. 29. He died the next evening, a half hour after being admitted to Burlingame's Peninsula Hospital.

The child's death was listed by the attending physician as being caused by a congenital abdominal disorder. A pathologist performed an autopsy that turned

up no evidence to dispute the doctor's finding.

But in light of the recent charges against Nathan in Contra Costa County, San Mateo County officials decided to explore the possibility of criminal involvement in the Teasdale child's death.

One thing interesting San Mateo County officials is the fact that the Pittsburg boy died of an abdominal trauma somewhat similar to the disorder that killed the Teasdale child.

Court records in Contra Costa County indicate that two other children who were cared for in Nathan's South San Francisco home suffered injuries within two years of the Teasdale child's death. One child twice underwent surgery for abdominal injuries and the other was hospitalized for an injury to her pancreas.

Swinfard said those cases will not be investigated because the statute of limitations on criminal liability has expired. He said police questioned Nathan and others about one of those injuries in 1975, but Nathan, the victim and another child said the victim had been struck with an iron bar by another child.

The Teasdale death did not result in an investigation because of the doctor's determination that it was not accidental. That case can still be reopened because there is no statute of limitations on murder.

State Social Service Department official Luis Butisa said Friday he believes an overhaul of the state daycare licensing system may be necessary to prevent further cases of abuse.

Butisa is regional manager of the Emeryville social service office, which regulates licensing in San Mateo, Contra Costa, San Francisco and Alameda counties.

It was his office that lost contact with

Nathan in 1979, after two years of fielding complaints about her daycare operation and ordering her to get a license.

"In 1979 we told her to stop providing daycare without a license and she told us she was going to move," Butisa said. "She moved, and we didn't know where she moved to. We have no way of tracing her."

"I don't have a crystal ball, but if we had enough of a staff to follow up on these things, this case might have been averted. At least we might have been able to find out if she continued the operation somewhere else."

Butisa said statewide cuts of community care licensing staffs were made this July. He now has 20 workers assigned to cover 4,182 licensed daycare facilities in the four counties and to field complaints on the countless unlicensed facilities.

"We have to take a look at all the agencies involved in this field and talk of change," he said. "We need a sufficient staff. The cuts were made to save money, but we're losing in the long run."

Butisa said a law that went into effect this year might have helped avert the situation in Clayton if it had been on the books in 1978.

The law requires that all complaints of injuries suffered at daycare facilities be reported to the Social Service Department, which must alert police, who must contact the district attorney.

In 1978, the state received a complaint from the parent of a Concord woman whose son experienced chest pain after being in Nathan's care. Since the injury was not believed to be serious, the state did not pursue the matter.

Butisa and other state officials contend the state can do only so much to ensure the safety of children in daycare facilities, and that parents have primary responsibility.



DEC 9 1981

## Bail reduction denied

MARTINEZ — A Municipal Court judge today denied a motion to reduce the bail from \$250,000 to \$100,000 for Eleanor "Laurie" Nathan, who is charged with murdering one child and abusing 20 others.

Nathan pleaded innocent to the charges during the bail reduction hearing in Mt. Diablo Municipal Court.

Judge Ellen Sickles James' decision not to reduce the bail prompted a sigh of relief from several parents of the children who allegedly were abused while at Nathan's day-care home in Clayton.

But the judge said she may reconsider the bail — which was set when Nathan was arrested Nov. 30 — at a Jan. 18 preliminary hearing in Concord.

The court file on Nathan's case contains a sordid account of the alleged physical and mental tormenting by Nathan of children between 11 months and 7 years old.

The crimes allegedly occurred between 1979 and September of this year. Eleven-month-old Mathew Cromwell of Pittsburg died March 31 from a blow to his abdomen.

# Child abuse counts added

By Bob Loomis  
Tribune Staff Writer

JUN 26 1982

CONCORD — Eighteen additional charges of child abuse were filed Monday against Clayton day-care operator Eleanor (Laurie) Nathan and a Municipal Court hearing that was closed to the press and public was held..

Witnesses testifying Monday included the parents of an 11-month-old boy whom Nathan, 33, is accused of murdering.

Under an amended complaint

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filed by Deputy Contra Costa County District Attorney Douglas Pipes, Nathan now faces a total of 38 counts of felony child abuse involving 35 children.

The preliminary hearing before Mt. Diablo Municipal Court Judge Mark B. Simons will determine whether Nathan must stand trial on any or all of the charges in Contra Costa County Superior Court.

Asked if she understood the proceedings, Nathan said, "Yes, I do."

Her attorney, Edward Merrill of Danville, entered her plea of innocent to the charges.

The press was ordered out of the courtroom when Simons granted Merrill's motion that the testimony of witnesses be closed to the public.

Witnesses included Mr. and Mrs. Leslie Cromwell of Pittsburg, whose son, Matthew, is alleged to have died from a blow to the stomach delivered by Nathan.

Pipes told reporters before the hearing began that among his witnesses he planned to include 13 children, ranging in age from 4 1/2 to 8 1/2, if Simons accepts them.

Pipes said some of the charges against Nathan stem from incidents that occurred as much as five years ago. The alleged victims are children in her care in her most recent Clayton day-care operation and a previous day-care home in Concord.

Nathan was arrested in November and is being held in lieu of \$250,000 bail. The court has turned down bail-reduction requests.

# Day-care operator claims jail abuse

By Steve Lopez  
Tribune Staff Writer

FEB 25 1982

MARTINEZ — The attorney for an unlicensed Clayton day-care provider accused of murdering one child and harming 38 others has filed a complaint that the suspect is being cruelly and harshly treated in jail.

Edward Merrill filed an action in Contra Costa Superior Court seeking to have Eleanor Nathan placed in the county jail's medical module. Nathan has been in the women's section of the jail, where Merrill claims she was harrassed "by some pretty rough women" and isolated at times without privileges afforded other pretrial inmates.

See JAIL, Page C-2



Continued from Page C-1

Merrill said Nathan recently was stabbed with a plastic fork by another inmate and is emotionally shaken as a result. He said she suffered a minor laceration.

Jail commander Larry Ard said the incident occurred one of the first times Nathan was allowed to mingle with other inmates. He said jail officials have put her in isolation because alleged child abusers are targets

of harrassment in jails. Superior Court Judge Richard Arnason was to hear Merrill's argument Wednesday, but delayed the matter until next Monday. Nathan, who pleaded innocent to all charges, is engaged in her preliminary hearing in Mt. Diablo Municipal Court. It is expected to last another three weeks.

Attorneys involved in the hearing are under order not to discuss details of the case, which is

closed to the public. But prosecutor Douglas Pipes said the case is progressing well and he believes the judge will find enough evidence to have Nathan bound over to Superior Court for trial.

Nathan is held on \$250,000 bail. She is charged with acts of physical and mental torment involving children between the ages of 1 and 7. The alleged crimes cover four years beginning in 1977.

APR 20 1982

## Child care trial to open

MARTINEZ — Eleanor Nathan, the operator of an unlicensed day care center, will appear in Contra Costa County Superior Court Wednesday on one charge of murder and 33 counts of felony child abuse.

If convicted she faces 40 years to life in prison.

Mt. Diablo Municipal Court Judge Mark Simons ordered Nathan to stand trial after hearing testimony from 75 witnesses during a preliminary hearing that began Jan. 25.

Thirteen of the witnesses were children ages 4 to 8 years old who had been left at Nathan's day care center in Clayton.

Nathan has pleaded innocent in the March 1981 death of Matthew Cromwell, 11-month-old son of Concord Police Detective Gordon Cromwell.



# Woman pleads innocent to child abuse charges

By Steve Lopez  
Tribune Staff Writer

APR 22 1982

MARTINEZ — A Clayton woman accused of murdering an 11-month-old boy and abusing 33 other youngsters pleaded innocent at her arraignment Wednesday in Contra Costa Superior Court.

Judge Richard Arnason set a tentative trial date of June 14 for Eleanor Marie Nathan, who is being held in county jail in lieu of \$250,000 bail.

But defense attorney Edward Merrill indicated he probably will not have his case prepared in time because he plans to file several motions in the interim.

A hearing was set for May 7 on Merrill's expected motion to have the case moved to another county. Merrill is concerned that pretrial publicity might make it difficult to seat an impartial jury here.

Merrill also requested that Ar-

nason seal the transcripts of the preliminary hearing in the case, which ended last week in Municipal Court with a ruling that Nathan be tried in Superior Court. Arnason said he will read the voluminous transcript, which includes testimony from 62 adults and 13 children, before ruling.

Arnason said he will consider Merrill's motions to try some of the charges separately, and to dismiss

the whole case, after the May 7 hearing.

The crimes allegedly took place between 1979 and 1981, while the children were in Nathan's care at her unlicensed day care home in Clayton.

Matthew Cromwell of Pittsburg died March 17, 1981, from a blow to his stomach. Nathan was arrested in November after police, doctors and

See ABUSE, Page C-2

## Continued from Page C-1

social workers pieced together evidence in several injury cases and determined that Nathan was linked to all of them.

Children in Nathan's care have told investigators they were treated in a bizarre, regimental

fashion, often deprived of food, water and bathroom privileges. They also claim Nathan regularly kicked, punched and poked them as disciplinary measures.

Five children required hospitalization and several were under the care of psychiatrists.



# Trial of day care operator moved

MAY 16 1982

MARTINEZ — The trial of Clayton day care provider Eleanor Marie Nathan on charges of murder and child abuse has been moved to Sacramento County.

Contra Costa Superior Court Judge Richard Arnason ruled Friday that Nathan's case has been the subject of such widespread publicity that it is impossible to find jurors without preconceived notions about it.

The 35-year-old Nathan was to go to trial here June 14. She is accused of murdering an 11-month-old Pittsburg boy and abusing 32 other children in her care between 1979 and 1981.

Nathan was not licensed to provide day care.

Parents, doctors, social workers and investigators began connecting injury cases to Nathan late last year when five children were hospitalized for treatment.

Matthew Cromwell died of blows to his stomach and one child is permanently blind in his right eye.

The district attorney's office contends Nathan employed a bizarre, regimental form of discipline using physical and emotional battery, and intimidation, often depriving children of food, water and bathroom privileges.



JUL 21 1982

## STEVE LOPEZ

### A sickness not understood

He was not quite 2 years old when he was nearly strangled. As he lay in the hospital bed, the whole thing still was a mystery.

At first, they wanted to believe it was something other than an attempted strangulation, even though the broken blood vessels in his face indicated it was. It was too unconscionable. Who could be sick enough to choke a child?

The boy recovered, and as he did, the pieces began falling into place. The child was just a small part of a much larger horror story. Police believe they found a link between him and other children who had been treated in hospitals. An 11-month-old boy was dead. The victims ranged from that age up to 7 years.

Eleanor Marie Nathan of Clayton was arrested last November and later was charged with one murder and 33 counts of child abuse. She had operated an unlicensed day care service in her impeccably neat, upper-middle-class home for two years.

*"She gave you no reason to suspect anything," said the mother of the choked child who is now 2 1/2. "She had such a clever way of presenting herself."*

The story has surfaced again because of the opening of transcripts from the preliminary hearing, which was closed to the public. Thirteen children took the witness stand in a Concord court and told how they were kicked in the face, punched, choked, denied food and water, denied bathroom privileges, forced to stay outdoors in inclement weather, and frightened into believing they would be punished more severely if they told their parents.

Nathan, a pale woman who shows no emotion, pleaded innocent. She is scheduled to be tried in Sacramento County in September. The case was moved out of Contra Costa County because of the anger it stirred. Everyone with a child felt a little of the pain.

*"I understand the majority of the children are still seeing therapists," the mother of the 2 1/2-year-old boy said. "None of us knows what long-term effects there might be. My child is fine physically, but he's very aggressive and when he gets mad at people he chokes them, just like he was choked. We don't know for sure what it means. We just wonder."*

The significance of the case didn't really sink in when, as a reporter, I wrote the first story about it last year. I just acted on instinct, sifting through sordid details in a court file that contained police and medical records and transcripts of interviews with the victims. Parents alleged that Nathan always passed the injuries off as minor bumps incurred in the course of normal play.

I went home and looked at my children, and I felt numb to think that children as innocent as they were involved in the horror I just wrote about.

The positive aspect of the case is that it made

about.

The positive aspect of the case is that it made other parents feel the same way. And at least in Contra Costa County, the whole system of child abuse prevention and the industry of child care was turned upside down to look for better ways to ensure the safety of children.

Some holes were found and patched. But people forget too easily, just as they have forgotten that five months ago, 2 ½-year-old Tara Burke of West Pittsburg was kidnapped from her parents' van while they shopped in a Concord store. Her older brother was with her at the time and alerted his parents, but it was too late.

For weeks after that story, parents were conscientious about not leaving their children unattended. Now, when I go to a store, I see carloads of children unattended in parking lots, or roaming without supervision in stores. It reminds me that Tara Burke still is missing.

*"We have to learn from these things," said the mother of the boy who was choked. "I'm sure a lot of parents look at the Nathan case and say they would have been aware of what was happening if their child were involved. But we didn't miss the boat. This was a one in a million case. I went and checked out the house and talked to Laurie before taking my child there. We had guilt feelings about this at first, but I think most of the parents involved in it now realize nobody would have been capable of recognizing (the dangers)."*

The whole focus of the child abuse case has been on Laurie Nathan, an enigmatic woman. But whether she's guilty or not, the case really is not about her any longer.

It's about how we have become a bit more suspicious of each other and a bit more distant.

It's about one very clear message — the safety of children is the responsibility of parents. The use of day care is inevitable today. Most services are good. It's up to the parents to find the good ones, and keep checking them.

It's about a child who didn't live a full year, and more than 30 others who had their minds twisted.

It's about a sickness we don't understand and can't really do anything about. And it's a message to everyone who ever thought, "It wouldn't happen to me and my children."

All the people involved in this case thought the same thing.

*Local columnist Steve Lopez writes on Wednesdays and Fridays and on alternate Mondays.*



# Child abuse jury picked

SEP 15 1982  
SACRAMENTO — A nine-woman, three-man jury was selected in Sacramento County Superior

Court Tuesday for the murder-child abuse trial of former day-care center operator Eleanor Nathan of Clayton.

Opening arguments were scheduled for today. Nathan, 37, is accused of murdering 11-month-old Mathew Cromwell of Pittsburg, who had been left in her care.

She also is accused of hitting, kicking, choking and otherwise mistreating several other children left under in her care.

# Murder trial starts for baby sitter

By Bethany Korwin-Pawlowska  
Tribune Staff Writer

SACRAMENTO — Eleanor "Lori" Nathan became a "ruthless tyrant" as soon as the doors of her home were shut behind unsuspecting parents, prosecutor L. Douglas Pipes declared Wednesday in opening his murder and child-abuse case against the Clayton day-care operator.

Nathan, 36, is accused of murdering 11-month-old Matthew Cromwell in March 1981 with a blow to the stomach. She is also accused of mayhem in connection with the partial blinding of another boy, and of abusing 30 other children.

Nathan, who is being defended by Danville attorney Edward L. Merrill, has pleaded innocent to all charges.

See TRIAL, Page C-13

At her request, the case was transferred to Sacramento County Superior Court because of the pretrial publicity in Contra Costa County.

Pipes, a deputy dis-

trict attorney for the Eastbay county, called the case a "human horror story." He said six Contra Costa children, from infants to children 7 years old, were hospitalized for similar

"blunt trauma" injuries while in Nathan's care.

Nathan operated baby-sitting services for working parents in her family home between 1973 and 1975 in South San Francisco; between

1975 and 1979 in Concord, and between 1979 and 1981 in Clayton. She and her husband, Maynard, have one child, 12-year-old Michelle.

Pipes said 22 children who were alleged vic-

tims or witnesses will be called to testify during the trial, which is expected to last several months. Some 45 parents and a dozen doctors and investigators also will testify.

Concord policeman Gordon Cromwell, the dead boy's father, is the first scheduled witness when testimony begins today.



# Mother of dead child testifies in murder trial

By Bethany Korwin-Pawlowska

Tribune Staff Writer

SEP 17 1982

SACRAMENTO — Kathleen Cromwell, a young Pittsburg mother testifying Thursday at the murder trial of her Clayton baby sitter, sobbed in court as she identified a photograph of her baby and the blue and red pajamas he was wearing the day he was killed.

The baby sitter, Eleanor Marie Nathan, is accused of killing 11-month-old Matthew Cromwell with a blow to the stomach in March 1981.

Nathan, 36, who operated day-care centers for nine years in the Bay Area, is also charged with partially blinding a child and abusing or neglecting 30 others under her care in Contra Costa County between 1975 and 1981.

The prosecution case contends that Nathan, who has a 12-year-old daughter, disciplined very small children entrusted to her care by punching, violently shaking, kicking and

See MOTHER, Page C-2

Continued from Page C-1

choking them and denying them food or water.

Under questioning from Contra Costa County prosecutor L. Douglas Pipes, Cromwell, 26, and her husband, Gordon, 30, both told the jury that Matthew was "healthy, happy and playing" before he went to Nathan's home on March 17, 1981.

But later that day, when Kathy Cromwell picked her baby up after work, she said, he looked ill.

"He didn't seem to recognize

me," Cromwell said. "He didn't put his arms out and want me to hold him like he always did." She said his eyes were rolling back in his head and his breathing made a "clicking sound."

Matthew Cromwell died the next day, 10 days short of his first birthday, at Children's Hospital in Oakland of internal injuries.

The trial before Superior Court Judge Ronald W. Tochtermann resumes on Monday. It was moved to Sacramento because of pretrial publicity in Contra Costa County.

# Girl testifies how sitter choked her

By Bethany Korwin-Pawlowska

Tribune Staff Writer

SEP 24 1982

SACRAMENTO — Putting both hands around her neck with thumbs pressed inward, 10-year-old Julia Cosmides showed the jury how her baby sitter allegedly choked her seven years ago.

Nervous and subdued, the San Mateo fifth-grader testified Thursday in the child abuse and murder trial of Eleanor Marie Nathan.

Cosmides, who spent 10 hours a day, five days a week in Nathan's care between 1974 and 1975, said, "everytime I had a (bowel movement), Lori (Nathan) would choke me."

Nathan is on trial charged with abusing 32 Contra Costa County children, one of whom died and one of whom was blinded in one eye.

Under cross-examination by defense attorney Edward L. Merrill of Danville, Cosmides said she "didn't know why" Nathan choked her.

When Cosmides was 3 years old, her mother put her into Nathan's care while she worked as a public health nurse. Mary Cosmides, 43, who is now an assistant administrator in the state Department of Health, said in court that her daughter had told her that Nathan choked her and was mean, "but I guess I didn't quite believe it."

After Julia had surgery for a damaged pancreas, her mother took her and her sister out of Nathan's care.

Although Nathan was not charged with abusing Cosmides, Contra Costa County prosecutor L.

See CHOKE, Page C-2



of The Ye  
Douglas Pipes successfully petitioned Sacramento Superior Court Judge Ronald W. Tochtermann to allow the girl to testify so that the prosecution could demonstrate "a pattern of abuse" throughout Nathan's nine years as a Bay Area baby sitter.

Nathan, who is married and has a 12-year-old daughter, has pleaded innocent to all charges.

Mark LeClerc, a Walnut Creek pediatrician, told the nine-woman, three-man jury that a patient of his, 15-month-old Michael Gausman, spent 19 days in the hospital in September 1981 for severe abdominal injuries that were similar to those that killed 11-month-old Matthew Cromwell six months before. Both infants were cared for by Nathan while their parents worked.

Testimony for the prosecution is scheduled to resume Tuesday.

# First children testify in baby sitter's trial

By Bethany Korwin-Pawlowska  
Oakland Tribune/Eastbay TODAY

SACRAMENTO — Two young brothers testified Wednesday that Eleanor Marie Nathan hit them during the time she was their baby sitter between 1976 and 1979 in Concord, but both were uncertain about details of the alleged abuse.

Ryan and Kevin Miller of Pittsburg were the first of 32 children whom Nathan is accused of abusing to testify in the murder-by-abuse trial.

"Sometimes she'd kick me and sometimes she'd push me," said Ryan Miller, 9. "I think she hit me with this," he added, showing a fist.

Nathan, 37, stared at the young witness as he testified. Twenty-two of the children allegedly abused by Nathan are expected to face her from the witness stand during her trial for murder, mayhem and child abuse.

Nathan is accused of killing 11-month-old Matthew Cromwell, who died in March 1981 of an injury that severed his intestine, and of mayhem in the partial blinding of another child.

"Did you ever see her abuse any other children?" prosecutor L. Douglas Pipes asked Ryan Miller.

"Only the little babies," the 9-year-old said.

After an hour on the witness stand, Miller began to fidget. The youngster seemed tired and some of his answers became confused. When Pipes asked him why he was afraid of Nathan, he said, "There would be an owl in the kitchen and looking up would make you dizzy. And she (Nathan) would be there moving faster than before."

"Would she hurt you in the kitchen?" Pipes asked. Miller said, "Yes, and when you walked in the door."

But under cross-examination by Merrill, Miller said he "didn't remember" how Nathan hit him and that he hadn't seen her hit, choke or kick another child.

Nathan allegedly blackened Ryan Miller's eye in 1979, after which his parents, Gary and Linda Miller, took their sons out of Nathan's day-care operation, but they didn't report the incident to police until two years later.

# Mother of blinded child testifies at trial

OCT 21 1982

By Bethany Korwin-Pawlowska  
Oakland Tribune/Eastbay TODAY

SACRAMENTO — A mother whose two children stayed in Eleanor Nathan's Clayton day care in 1980 and 1981 testified Wednesday that her 9-month-old son was blinded in his right eye as the result of injuries that caused bleeding in his brain and retina.

Although both of Joan McCarty's children apparently received repeated, unexplained injuries while in Nathan's care, she testified that she took her daughter Kelly, who was 2, and her son Darren back to the babysitter's even after they both showed signs of being neglected and abused.

McCarty also testified that she withheld Nathan's identity from child protective workers in the first of two investigations into alleged abuse of Darren.

L. Douglas Pipes, the Contra Costa

County deputy district attorney prosecuting the murder and child abuse trial here on a change of venue, contended that Nathan, 36, acted like a caring baby sitter to parents but turned into a tyrant when left alone with their children.

Nathan, whose trial opened September 15, is charged with murder in the death of 11-month-old Matthew Cromwell of Pittsburg, with mayhem in the partial blinding of the McCarty baby and with multiple counts of abusing and endangering 30 other children left in her charge between 1975 and 1981.

McCarty, who with her family moved from Concord to Loomis in Placer County in June, said she agreed to pay Nathan \$70 a week to keep and feed Kelly and Darren for about nine hours per day, five days a week, at times between May 1980 and August 1981.

After Darren was hospitalized for the

first time in 1980, she kept the infant home for six months.

It was a few weeks after the child came home from the hospital that she noticed "his eye beginning to drift towards the outside." She said she also noticed Darren's impaired vision caused problems when the baby began to walk at 13 months.

Her daughter suffered cuts on her tongue, vomiting, broken blood vessels in her face, a swollen stomach and bruises on her neck right below the ears, she said.

Child protective services investigated the family after Darren was hospitalized with traumatic injuries and the hemorrhages in 1980 and again in 1981.



# Neighbors testify for accused child abuser

By Virgil Meibert  
Tribune Staff Writer

NOV 18 1982

SACRAMENTO — A former neighbor and neighborhood children rallied to the defense of accused child abuser Eleanor Nathan Wednesday, telling a jury here they saw no evidence of her ever physically harming youngsters in her Concord day care center.

Asked whether she detected anything unusual about the behavior of the children Nathan was baby sitting, Gini Roberti answered:

"I wouldn't say there was anything unusual. I would say they were very orderly, very well behaved."

The prosecution is attempting to show children under Nathan's care lived in terror of her authoritarian

discipline and were punched, choked and poked in the eyes for unruly behavior.

Nathan, 37, is charged with one count of murder in the death of 11-month-old Matthew Cromwell of Pittsburg, one count of mayhem in the partial blindness of another baby, and 33 counts of child abuse. She faces 40 years to life in prison if convicted.

The trial was transferred to Sacramento on a venue change request by her attorneys because of widespread publicity about the case in the Eastbay.

During two months of prosecution testimony, 16 youngsters told of not only repeated instances of physical abuse but of being deprived of food,

water and bathroom privileges if they displeased Nathan.

Attorney Edward Merrill, who was in the third day of presenting the defense's case Wednesday, sought to counter the accusations with a string of witnesses who were frequent visitors at Nathan's Rockne Drive home in Concord.

Roberti, who lived across the street, said she was a friend of Nathan's and usually dropped by for 10- or 15-minute visits at least twice a week. She said she never saw Nathan even spank unruly children. If children were quarreling, she said, Nathan would merely separate them and make them stand aside.

She added that in the four years she visited the Nathan home, she

considered the behavior of the children "typical" and thought them always "well-mannered and orderly."

Five other witnesses Wednesday, including Roberti's 9-year-old daughter Shannon, all agreed that they never saw Nathan physically abuse any of the children.

Also testifying Wednesday were Mrs. June Munro and her son, Robert, 9.

Munro, a pre-school teacher herself at the Walnut Avenue Community Church pre-school in Walnut Creek, said she left Robert in Nathan's care every week day for more than a year and saw no signs of physical abuse to him. She said he also never complained of not being fed.

# Accused baby sitter cared for 400 children

DEC 1 1982

By Bethany Korwin-Pawlowska  
Tribune Staff Writer

SACRAMENTO — Baby sitter Eleanor Marie Nathan, on trial here for murder and child abuse, testified Tuesday in her defense that she'd cared for approximately 400 children in nine years of child care.

Nathan is accused of felony abuse of 32 Contra Costa County children, one of whom died of internal injuries. Another child lost sight in one eye as the result of an injury.

Nathan, 36, said she first opened a child care center in her South San Francisco home in 1972 because, "I enjoyed being around children."

The defendant laughed self-consciously as she said she'd earned a Fresno State University degree in "child development" in 1970. She gave birth that same year to a daughter, Michelle, now 12 years old, who testified at her mother's trial

Monday and Tuesday.

The trial, now in its third month, was moved here from Contra Costa County because of pretrial publicity.

The prosecution contended that Nathan imposed severe discipline by systematically denying both food and bathroom privileges to her charges, as well as inflicting injuries by shaking and stomping infants in her care.

One of the children Nathan cared for in Clayton, 11-month-old Mathew Cromwell, died in March 1981 of internal injuries. Nathan was arrested in September last year.

Nathan said she found the two-story apartment in South San Francisco hard to supervise as a day care center and chose her two subsequent homes in Concord, on Rockne Drive between 1975 and 1979, and in Clayton, on Mt. Whitney Drive between 1979 and 1981, for a layout that enabled her "to keep the kids closely

supervised."

Under questioning by her attorney, Edward L. Merrill of Danville, Nathan said she adhered to basically the same routine in all three baby-sitting operations: giving morning and afternoon snacks in addition to regular meals, scheduling play time and naps, and grooming the children.

Nathan said she disciplined the children only for "poking or punching each other or for being loud and disruptive." At such times, she said, "I told them (to sit on the floor and) to keep their legs out straight in front of them and to keep their hands to themselves.

Michelle Nathan testified that her mother made no rules forbidding the children to have either bowel movements or food. She said the children were disciplined by having to sit motionless on the floor "only for a little while."



# Baby sitter tells of children's accidents

By Bethany Korwin-Pawlowska  
Tribune Staff Writer

DEC 2 1982  
SACRAMENTO — In her second day of testimony here, Eleanor Marie Nathan, a baby sitter charged with murder and child abuse, described Wednesday several accidental injuries that happened in her Concord and Clayton homes between 1975 and 1981 to some of the 32 children she is on trial for abusing.

Two-year-old Richard Whelan was standing on the couch playing with toys in the den, and fell backwards and hit his head on the floor, Nathan said. Michael Gausman, probably got bruises on the abdomen, she said, from "a push toy he'd been

playing with all week."

In the case of Gausman, who was blinded in one eye, and four of the other children, Nathan said, neither she nor the parents knew where the injuries had occurred.

Eleven-month-old Mathew Cromwell; 3½-year-old Jeffery Martini; Gausman; Whelan, and Darren McCarty were hospitalized for traumatic injuries. Cromwell died in March 1981 and Nathan is charged with his murder. She is charged with child abuse "with great bodily injury" in his death and the injuries to Gausman, Martini, Whelan, McCarty and 2-year-old Douglas Lodder. She has pleaded innocent.

The parents of Lodder, McCarty, and another boy, Darren Schaaf, were investigated by Child Protective Service workers in August and September of 1981. Nathan said that Betty Schaaf told her, "that the doctor who checked Darren out had turned her (Schaaf) in because he said Darren had strangulation marks on his neck." Nathan said neither she nor Schaaf had seen any marks.

On Sept 22, 1981, after Nathan was visited by investigators, Schaaf and another woman stood outside her house in Clayton, warning parents picking up their children "not to bring any more children to my home as I was someone who was abusing

children."

"It upset the parents and it upset me," Nathan said.

Two days later the baby-sitting operation was closed and Nathan was arrested.

As Nathan's defense attorney, Edward L. Merrill of Danville, read an alphabetical list of children's names, he asked, "Did you hit, punch, poke in the eye or otherwise abuse any of the following children?" Nathan replied "No" after each name.

Contra Costa County Deputy District Attorney L. Douglas Pipes began cross-examining Nathan a half-hour before court adjourned Wednesday and will resume today.



# Tax returns used in baby death case

By Bethany Korwin-Pawlowska  
Tribune Staff Writer

SACRAMENTO — The prosecution Thursday used old tax returns to portray Eleanor Marie Nathan, a Contra Costa County baby sitter on trial for murder and multiple counts of child abuse, as a perjurer.

Nathan had filed the returns jointly with her husband, Maynard, between 1975 and 1980. The tax returns pertaining to both the baby-sitting service run by Nathan and to her husband's gourmet cookware store were seized when the defendant was arrested a year ago.

She is charged with murder in the 1981 death of 11-month-old Mathew Cromwell and with child abuse "with great bodily injury" in his death and in the injuries to some 32 children under her care.

Nathan, 37, rubbed her eyes repeatedly and appeared tired for the first time in three days of testimony. She calmly admitted to prosecutor L. Douglas Pipe's charge that she "knowingly and intentionally" filed false state and federal tax returns for several years in a row.

Under cross-examination by Pipe, Nathan said her business steadily increased over the nine years that she babysat in South San Francisco, Concord and Clayton, but she couldn't remember how much money she actually took in. Nor could she recall the names of most of what she said had been about 400 children in her care at one time or another.

"If I had kept those records, I would have had more defense witnesses," Nathan said.

She said her earnings were substantially higher than she reported, however.

Nathan rejected Pipe's statement that the first purpose of her operation was to make money. She said profit was secondary. "I love children. I wanted my daughter to have company, since she was an only child and I didn't want her to be at a baby sitter," Nathan said.

Nathan's tax returns showed a top income from baby sitting of \$6,600 in 1980. Neither the defense nor the prosecuting attorney could give true figures for the defendant's actual income. Her husband's Clayton business, Nathan's Finest, lost money for three years before closing in 1980, according to the couple's tax returns.

After conferring with both prosecuting and defense attorneys, Superior Court Judge Ronald W. Tochtermant, before whom the trial is being held on a change of venue, told the jury that the tax information could be considered by them "for the limited purpose that it might tend to show a motive for the commission of the crime charged or might reflect the defendant's credibility or lack of credibility."

After adjournment, Pipe said the false tax returns proved Nathan's motive of "need and greed" to commit the crimes. Defense attorney Edward L. Merrill said his client had no choice but to admit cheating on her taxes.

# Lawyers wrap up in baby sitter trial

By Bethany Korwin-Pawlowska  
Tribune Staff Writer

SACRAMENTO - Final arguments in the Eleanor Marie Nathan murder trial began Tuesday with the prosecution relying heavily on what 18 child-witnesses testified had happened to them at the baby sitter's houses in Concord and Clayton.

The witnesses, ranging in age from 5 to 13, said during the course of the three-month trial here that Nathan either struck them in the stomach, choked them or denied them food or water while they were in her care.

L. Douglas Pipes, Contra Costa County prosecutor, said he will ask the jury of nine women and three

men to find Nathan guilty of first-degree murder in the 1980 death of 11-month-old Matthew Cromwell.

Additionally charged with 33 counts of child abuse and one count of mayhem in the blinding of another infant, Nathan, 37, could receive a sentence of 25 years to life if convicted of first-degree murder.

The trial was moved here from Contra Costa County because of pre-trial publicity.

"An average of one child every year for the eight years Nathan was a baby sitter suffered a major injury in the defendant's home, Pipes said. Six of the children Nathan cared for, including Matthew Cromwell, were hospitalized for similar abdominal

injuries and two others were hospitalized for brain and eye hemorrhages, he told the jury.

"All of these children were in good health when they were dropped off at Mrs. Nathan's and they were all injured by the time they were picked up again," Pipes said.

The prosecution painted Nathan as a severe disciplinarian who used cruelty to make children obey her.

Pipes said that Nathan's testimony that her preschool charges suffered injuries in a series of accidents while playing was "not believable." The injuries, he said, were too frequent, too similar and too severe.

The prosecution's final arguments were to continue today.



# Prosecution ending in baby sitter case

DEC 23 1982  
By Bethany Korwin-Pawlowska  
Tribune Staff Writer

SACRAMENTO — Baby sitter Eleanor Marie Nathan is guilty of first-degree murder because she tortured an infant to death through neglect and abuse, the prosecution said Wednesday in the second day of final arguments.

Contra Costa County Deputy District Attorney L. Douglas Pipes also argued that Nathan, 37, is guilty of the felony abuse of 32 children during a five-year period.

Pipes said Nathan hit, kicked and otherwise struck children who were too young to tell anyone they were being abused. She urged their parents not to see a doctor for their children's bruises and other symptoms of abuse, Pipes said.

One infant, 11-month-old Matthew Cromwell, died of internal injuries

from a blow to the stomach after four months in Nathan's care. Pipes said.

Cromwell's parents, Gordon and Kathy Cromwell of Pittsburg, who testified for the prosecution at the start of Nathan's trial in September, sat in the rear of the courtroom as Pipes addressed the jury.

If convicted of first-degree murder, Nathan could be sentenced to 25 years to life.

Pipes said Nathan abused the children she baby-sat to keep order in her Clayton house, where, before her arrest in November 1981, she kept as many as 25 children at a time. Nathan single handedly baby-sat so many children, Pipes said, because her husband's gourmet and cookware business was failing.



# Prosecution finishes in baby sitter trial

By Bethany Korwin-Pawlowska  
Tribune Staff Writer

DEC 24 1981

SACRAMENTO — The prosecution finished closing arguments Thursday in the murder trial of Clayton baby sitter Eleanor Marie Nathan with an earnest denial of the defendant's contention that she was the victim of "a parental lynch mob."

"This was no follow-the-herd prosecution," L. Douglas Pipes, Contra Costa County deputy district attorney told the jury before the court adjourned for the Christmas holiday.

Nathan is on trial for abusing 32 children, including 11-month-old Matthew Cromwell, who

died of injuries last March.

The parents of all 32 children attended meetings in October, November and December 1981, after Nathan's arrest.

"There is no evidence that they coordinated testimony at the parents' meetings," Pipes said. "The parents had just learned that they had taken their child to a person who maliciously abused him. What they wanted was an opportunity to talk to someone and get some help."

The defense was to begin its closing arguments Monday. The trial is being held in Sacramento because of pretrial publicity in the Bay Area.

# Defense makes closing plea in trial of baby sitter

DEC 29 1982

By Bethany Korwin-Pawlowska  
Tribune Staff Writer

SACRAMENTO — The murder and child-abuse case against day care operator Eleanor Marie Nathan is based on hindsight by parents and conflicting testimony from children, the defense said in closing arguments Tuesday.

Edward L. Merrill, Nathan's attorney, said testimony in the three-month trial failed to prove how, when, where or by whom the children were injured.

Nathan is accused of felony abuse

of 32 children, including an infant who died of injuries from a blow to the abdomen and another boy who lost his sight in one eye.

About 15 of the children in Nathan's care testified for the prosecution and Merrill made a point of saying he felt sorry for the very young witnesses who got "mixed up" in their testimony.

Merrill described one child witness, 4-year-old Michelle Kirby, as "a cute little girl" who "obviously had no idea what she was talking about."

Kirby, who was 3 years old when Nathan was her baby sitter, testified on one occasion that she didn't see Nathan "do anything" and on another that "once a day" the baby sitter hit her and other children.

Merrill also scoffed at the evidence offered by parents who, he said, worked as a "team" to turn what seemed "normal childhood accidents" into incidents of child abuse.

When contacted by investigators after the death of Matthew Cromwell in March 1981, most of the parents had "nothing negative to say" about

Nathan, Merrill said.

Merrill said one mother, whose son was in Nathan's care for six years, stayed friendly to the baby sitter until she was arrested in November 1981. However, once Shirley Arendt took the stand for the prosecution, Merrill said, she came up with an "amazing" list of bruises, scratches and other injuries.

Jury deliberations will begin by the end of the week, after a final rebuttal by L. Douglas Pipes, deputy district attorney, and instructions by Judge Ronald W. Tochtermann.

# Baby sitter jury wonders about motive in slaying

By Bethany Korwin-Pawlowska  
Tribune Staff Writer

JAN 16 1983

After convicting Eleanor Marie Nathan of murder and child abuse, members of the Sacramento jury are no longer losing sleep over their verdict. But they are still wondering why the baby sitter did it.

During the four-month trial that ended Thursday, a parade of young children testified that they and others were choked, stomped, hit and starved while under Nathan's care between 1975 and 1981 in Concord and later in Clayton.

Nineteen children testified against the former day-care operator.

The treatment accorded at Nathan's house resulted in the 1981 death of 11-month-old Matthew Cromwell and the blinding in one eye of Darren McCarty at the

age of 9 months.

The first hurdle they faced, said juror John R. Crawford, a 52-year-old retired Air Force employee, "was plain disbelief these things could ever happen to children."

But after the tenth day of deliberation the jury found that Nathan, 37, was guilty of murder by torture in the death of the Cromwell infant. She faces a maximum sentence of 42 years to life in prison.

By the jurors' accounts, the deliberations, while done methodically under foreman Patricia Kilker, were difficult and caused sleepless nights for several and a testing of faith in at least one man.

It only took a couple of days of studying the evidence and Judge

See JURORS, Page C-11

...that Matthew have ... tern, jurors said. Doctors said na



Continued from Page C-1

Ronald W. Tochterman's instructions for the jury to agree that Nathan was guilty. But it took the better part of a week to wrestle with the degree of her responsibility and to convict her of murder, mayhem, 20 counts of felony cruelty to children and 12 counts of misdemeanor abuse.

The verdicts, they said, were based on what the prosecution called a "pattern of abuse." One juror recalled "the horror" the jurors faced in fitting the pieces of the case together.

"Once we got the pattern down, we saw that the children who were hurt were the ones that couldn't fight back. They were the helpless ones. Matthew was only 11 months old," said Barbara S. Darnell, 33, a medical billing clerk.

"What could Matthew have done to provoke the injury (that killed him)?" asked Darnell.

Another juror said the evidence that Nathan didn't feed the children and poked them proved "the method that she used to get

the order that she required," while caring for as many as 25 children at a time single-handedly.

Jurors declined to say how many of them at first favored a second degree conviction, which both prosecution and defense attorneys said they had expected.

But one juror, Forrest Neff, a 47-year-old electrician who was the last holdout for the lesser verdict, said he prayed Wednesday night at home and was "guided" to reconsider the evidence that Nathan failed to summon help for the Cromwell boy when he was injured.

On Thursday the jury handed down the verdicts, including acquittal on two child abuse charges.

Medical testimony offered by the prosecution filled in the pattern, jurors said. Doctors said that abdominal injuries in several children, including the Cromwell child were similar.

Of the worst injuries, which put eight children in the hospital, said Jackie Laeber, 33, a claims

representative for the Social Security Administration, "It was quite strange that they would happen in one home."

But understanding Nathan proved more difficult than understanding the evidence or the fine points of the law, said the jurors. Nathan is married with a 12-year-old daughter and holds a Fresno State University degree in child development.

Several jurors said they thought the defense lawyers might have used psychiatric testimony to explain the injuries, rather than maintaining, as they did, that the injuries were all accidental.

"I think she would have been better off saying she didn't know what she was doing or that she was just trying to discipline the kids," said Crawford.

Under oath Nathan emphatically said she was loving toward the children in her care. "If she was so caring, why didn't she quit babysitting when the kids kept getting hurt?," asked Darnell.

# Verdict based on evidence of torture

JAN 14 1983

By Bethany Korwin-Pawlowska  
Tribune Staff Writer

SACRAMENTO — Eleanor Marie Nathan, a baby sitter in Concord and Clayton for six years, was found guilty Thursday of first-degree murder in the death of one of the infants left in her care.

In an atmosphere highly charged with emotion, the jury pronounced Nathan guilty of abusing 30 children, but acquitted her of two other charges of willful cruelty to a child.

Nathan, 37, was convicted of felony cruelty to 20 children, including Matthew Cromwell, the son of a Concord policeman. Cromwell died of injuries from a blow to the abdomen at the age of 11 months.

Nathan was also convicted of cruelty with great bodily injury in the partial blinding of Darren McCarty, who was 9 months old when he suffered a brain and retina hemorrhage from being choked.

Twelve of the felony abuse charges were reduced by the jury to misdemeanor convictions during the jury's 10 days of deliberations.

Jury forewoman Patricia Kilker said in a telephone interview that the first degree murder verdict was based on evidence that the Cromwell infant before his death underwent "constant pain and suffering over a period of time" that amounted to torture.

At least three jurors cried while being polled for the verdicts, which

See NATHAN, Back page



Nathan's unlicensed day care operation was shut down in September 1981 because of a series of reported injuries among the 25 children she cared for single-handedly. She was arrested in December 1981 after she went to work at a food processing plant and has been in jail since that time in lieu of \$250,000 bail.



# Court to hear parents prior to sentencing baby killer

By Bethany Korwin-Pawlowska  
Tribune Staff Writer

FEB 10 1983

Before being sentenced for first-degree murder and multiple counts of child abuse, baby sitter Eleanor Marie Nathan will hear some of her former clients describe the consequences of their children's injuries.

A specially extended sentencing hearing starts today in Sacramento County Superior Court, where Nathan was convicted by a jury last month of murder by torture of 11-month-old Matthew Cromwell.

The Cromwell child died of injuries from a blow to the abdomen and six other children in Nathan's care were hospitalized with similar injuries.

Nathan, 37, was also found guilty of 20 counts of felony child abuse and 12 counts of misdemeanor child abuse, all stemming from her six years as a baby sitter in Contra Costa County.

One of the children who was in-

jured, Justin Carrillo, still needs psychological counseling, partly because when he gets frustrated he tries to choke others as he was choked by Nathan, said his mother, Cassi Carrillo of Concord. Carrillo planned to tell Judge Ronald W. Tochtermann that she is still "very concerned for my children's safety."

After being abused, both Justin and his younger brother, Cameron, expressed "strange fears" of adults and especially people with long dark hair like Nathan's, Carrillo said.

Mike and Debbi Klein of Pittsburg could describe how their son Jared, the older of two Klein brothers Nathan cared for, still has developmental problems with language and motor ability arising from his treatment during two years in Nathan's day care.

Witnesses at the trial said that Nathan enforced rigid discipline in her home by choking, shaking, hitting and kicking her young charges.

# Baby sitter sentenced to 44 years

By Bethany Korwin-Pawlowska

Tribune Staff Writer

FEB 11 1983  
SACRAMENTO — Eleanor Marie

Nathan received a sentence of 44 years to life in prison Thursday for the 1981 murder of infant Matthew Cromwell, blinding another baby and abusing 29 other children during a span of five years while running a child care service in Contra Costa County.

Sacramento County Superior Court Judge Ronald W. Tochterman said he imposed the maximum sentence because Nathan's crimes "involved great violence, great bodily injury, cruelty, viciousness and callousness."

•The judge denied a motion for a

new trial by defense attorneys William Gagan Jr. and Richard Frankel, and refused to release Nathan, 37, on bail while her appeal is pending.

"The defendant is devious, manipulative and prone to violence," Tochterman said in denying bail.

Nineteen children testified that Nathan disciplined them by choking, kicking, hitting them in the stomach and starving them. One of the victims, Darren McCarthy, lost the sight in one eye when he was shaken so hard he hemorrhaged, according to testimony in the three-month trial that was switched to Sacramento on a change of venue requested by Nathan's attorneys.

Nathan operated an unlicensed

day care service between 1975 and 1981, first in Concord and then in Clayton.

Her attorneys immediately filed an appeal on grounds the evidence did not support the jury's verdict of first-degree murder by torture.

Gagan said the verdict was improper because the numerous child abuse charges should have been tried separately from the murder charge. On the murder conviction Nathan received the legal maximum of 25 years to life.

She didn't react visibly to the sentence, nor to the earlier statements by nine parents of child victims who

See NATHAN, Back page

demanded the maximum sentence.

Nathan's mother and her four younger sisters from Fresno asked for leniency. But Tochterman ruled that the sentences for murder and 20 felony child abuse convictions were to run consecutively, totaling 44 years.

He imposed county jail terms of one year on each of 10 misdemeanor

convictions for child abuse, which are to be included in the state prison term.

Nathan will receive credit for the 437 days she has been in jail since her arrest with an additional 218 days off for good behavior.

Nathan will be transported to the California Institution for Women at Frontera within a week, her attorneys said.

She will be eligible for parole in about 22 years, according to Frankel.

In an emotional statement during the sentencing hearing, Gordon Cromwell, the father of the slain child, said, "The emotional trauma of Matthew's death will never be overcome or forgotten."

Cromwell said "the sentence my wife and I consider to be appropriate

is death. But that is not to be considered by the court, so we are asking for life imprisonment."

The judge openly considered imposing a sentence of life imprisonment without possibility of parole, but both defense and prosecution attorneys opposed it.

They said the sentence would go beyond usual sentencing practices.

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# Prison terms upheld in day-care case

MON MAR 16 1987

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By The Tribune staff and news services

SACRAMENTO — The 3rd District Court of Appeal has upheld consecutive prison terms for former Eastbay day-care home operator Eleanor Marie Nathan, who was convicted of killing a child and abusing 30 children between 1975 and 1981.

Nathan, 41, was tried in Sacramento where Superior Court Judge Ronald W. Tochtermann in 1983 sentenced her to consecutive prison terms of 19 years to life and 25 years to life.

She had appealed the sentence, claiming that Tochter-

man erred when he refused to disqualify himself when the defense asked him to do so.

Nathan was convicted of killing 2-year-old Matthew Cromwell, blinding 9-month-old Darren McCarthy in one eye and abusing 30 other children while running unlicensed day-care homes in her home, first in Concord and later in Clayton.

The appeal court, in a decision released Friday, agreed that Judge Tochtermann should have stepped down when Nathan filed a peremptory challenge against him, but it said the error should

have been rectified before the trial began.

To have obtained a reversal, the court said, Nathan would have to show that she was "deprived of a fair trial."

# State Supreme Court rejects Nathan appeal

FRI MAY 29 1987

By The Tribune staff and news services

SAN FRANCISCO — The state Supreme Court yesterday rejected an appeal by a day-care center operator in Contra Costa County who was convicted of murdering a child and abusing 29 others.

Only Justice Stanley Mosk voted to grant a hearing on an appeal by Eleanor Nathan, who is serving 44 years to life in prison for attacks on preschool children in her care at centers in Concord and Clayton. Four votes are needed for a hearing by the seven-member court.

Nathan ran a day-care center

for young children from 1972 to 1981. The earliest incidents in the case date from 1977, when the center was in Concord; she moved to Clayton in April 1979.

The murder charge involved Matthew Cromwell, who was 20 months old when he was put in Nathan's care five days a week in November 1980. He was taken to a hospital by his parents the following March with severe abdominal injuries, diagnosed as having been caused by a blow or a fall on a projecting surface, and died that night.

Nathan was also convicted of committing mayhem on 21-

month-old Darren McCarty, who was blinded in one eye from what his doctor believed was shaking or other violent movement. The other convictions were for child abuse, some involving serious injury in which children were punched, choked, and denied food and water.

The case was tried in Sacramento County because of publicity in Contra Costa County. Nathan sought to remove Superior Court Judge Ronald Tochtermann, a former homicide prosecutor in Sacramento, from presiding over the trial, saying she believed he was prejudiced against her.

Tochtermann refused to step down, saying Nathan's request was too late because he had already decided factual issues in the case during pretrial proceedings.

The 3rd District Court of Appeal disagreed, saying Tochter-

man had not actually resolved any disputed factual issues before trial, so Nathan had an absolute right under state law to challenge him before the trial started.

But the appeals court let the convictions stand, saying Nathan had failed to show that she was actually denied a fair trial or had been harmed by Tochtermann's actions.

The opinion by Presiding Justice Robert Puglia said Nathan could have immediately appealed Tochtermann's refusal to step down before trial, but had failed to do so. Allowing a defendant to bypass that procedure, and later to use the judge's actions to reverse a jury verdict, would be an "intolerable windfall," Puglia said.

Nathan's lawyer asked the Supreme Court to review and reverse the decision, but the court denied a hearing.

# Insurance company settles in abused children lawsuit

The Tribune **FRI JUL 17 1987**

**MARTINEZ** — A \$900,000 settlement has been reached in a civil suit filed on behalf of three boys abused by day care operator Eleanor "Lori" Nathan.

Nathan is serving a 44-year-to-life prison term for crimes against dozens of children who had been under her care.

The suit was filed in June 1986. The boys, now ages 8, 9 and 10, were all under age 6 when abused by Nathan, said Maja Hanks, a San Francisco attorney who represented the boys.

The settlement, approved Wednesday by Contra Costa County Superior Court Judge Wayne Westover, was reached with State Farm Insurance under Nathan's homeowner's policy.

Nathan operated an unlicensed day care service between 1975 and 1981, first in Concord,

then in Clayton.

Nathan was convicted in 1983 in the death of 11-month-old Matthew Cromwell of Pittsburg, who died of a blow to the stomach. She also was convicted of 30 counts of felony child abuse.

Nathan is serving her sentence at the California Institution for Women at Frontera.

During the trial, children testified that they were often deprived of food, water and bathroom privileges and that Nathan kicked, punched and poked them as disciplinary measures.

The \$900,000 will be used to purchase annuities for the boys and is expected to reach an estimated \$2 million in 30 years, Hanks said.

She said six to eight other cases were previously settled under arrangements with the insurance company that required that the terms not be disclosed.



# Parents of day-care children file suit against Lori Nelson

By Marina Gottschalk  
The Tribune

FRI JAN 1 1988

MARTINEZ — The parents of two children who attended the day-care center operated by Eleanor "Lori" Nathan have filed suit against her, charging assault and battery, among other allegations.

Nathan, who operated an unlicensed day-care service between 1975 and 1981, first in Concord, then in Clayton, is serving a 44-years-to-life prison term for crimes against dozens of children who were under her care.

The suit was filed in Contra Costa Superior Court by Joan McCarty on behalf of Kelly McCarty, 9, and Darren McCarty, 8.

The suit also names Nathan's husband, Maynard L. Nathan III.

According to the suit, the children were physically and mentally abused in that they were hit, choked, kicked, poked and shaken, deprived of food, water, mobility, sleep, communications and medical care, and were threatened with the deprivation of these things, often in front of other children.

Kelly McCarty was at the Clayton day-care center between May 1980 and August 1981.

Darren McCarty, who attended the day-care center between

August 1980 and 1981, was battered about the head and in the area of the right eye, and has total visual loss in the right eye, according to the suit.

Both children received bruises, cuts, contusions, muscular strains and suffered dehydration, stomach illnesses, mental and emotional distress, anxiety and nightmares, the suit says.

The suit contends that Maynard Nathan "authorized and ratified" the wrongful acts.

Lori Nathan was convicted in January 1983 of the death of 11-month-old Matthew Cromwell of Pittsburg, who died of a blow to the stomach.

She also was convicted of 30 counts of felony child abuse, including one count of mayhem on Darren McCarty and two counts of willful cruelty to a child with infliction of great bodily injury upon him.

The suit charges negligent supervision, care and protection, intentional infliction of emotional distress, negligence of emotional distress, negligent and wrongful conduct by Maynard Nathan, and premises liability.

It seeks unspecified monetary amounts for general damages, special damages for medical and incidental expenses and loss of earning capacity, exemplary damages and attorney's fees.